

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

BEAR RANCH, LLC,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 6:12-cv-00014
	§	
HEARTBRAND BEEF, INC.,	§	
AMERICAN AKAUSHI	§	
ASSOCIATION, INC.,	§	
and RONALD BEEMAN,	§	
	§	
Defendants.	§	

**JOINT MOTION FOR LEAVE
TO FILE NOTICE OF NEW AUTHORITY**

Pursuant to this Court's order of October 15, 2014 (Dkt. No. 222), the parties respectfully request leave of Court to file the attached notice of new authority. As stated in the attached notice, on June 12, 2015, the Texas Supreme Court issued its opinion in *Zorrilla v. Aypco Construction II, LLC*, No. 14-0067 (Tex. June 12, 2015), available at <http://www.txcourts.gov/media/996492/140067.pdf>, which is relevant to one of the issues argued regarding exemplary damages, specifically, whether Texas's statutory cap on exemplary damages must be pleaded as an affirmative defense.

The parties respectfully request leave to file the attached notice.

Dated: June 13, 2015

Respectfully submitted,

/s/ R. Paul Yetter

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CERTIFICATE OF SERVICE

I certify that on June 13, 2015, a copy of this document was served on all counsel of record using the Court's e-filing system.

/s/ R. Paul Yetter
R. Paul Yetter

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and RONALD BEEMAN,	§	
	§	
Defendants.	§	

ORDER

The Court considered the parties' Joint Motion for Leave to File Notice of New Authority (Dkt. No. 236) and has determined that the motion should be **GRANTED**.

It is therefore **ORDERED** that the notice of new authority shall be filed by the Clerk in this Civil Action.

Signed this __ day of June, 2015

Gregg Costa
United States Circuit Judge¹

¹ Sitting by designation.